

1 GARCIA RAINY BLANK & BOWERBANK LLP
2 A Limited Liability Partnership
3 JEFFREY M. BLANK, Cal. Bar No. 217522
jblank@garciarainey.com
4 NORMA V. GARCIA, Cal. Bar No. 223512
ngarciaguillen@garciarainey.com
695 Town Center Drive, Suite 700
Costa Mesa, California 92626-1993
5 Telephone: 714.382.7000
Facsimile: 714.784.0031

6
7 Attorneys for Plaintiff
NOODLE TIME, INC.

8
9 UNITED STATES DISTRICT COURT
10
11 CENTRAL DISTRICT OF CALIFORNIA

12 NOODLE TIME, INC., a Florida
corporation,

13 Plaintiff,

14 v.

15 BENIHIBACHI, a California
corporation and BEHIBACHI, a
16 California corporation

17 Defendant.

18
Case No. 2:22-cv-02320-GW-E
Judge: Hon. Magistrate Charles F. Eick
Dept.: 750

**PLAINTIFF NOODLE TIME INC.'S
REQUEST FOR ENTRY OF DEFAULT
BY THE CLERK AGAINST
DEFENDANT BENIHIBACHI, A
CALIFORNIA CORPORATION**

19

20

21

22

23

24

25

26

27

28

1 **TO THE CLERK OF THE COURT, TO ALL PARTIES, AND THEIR
2 COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE THAT** Plaintiff Noodle Time, Inc. will and
4 hereby does respectfully request pursuant to Federal Rules of Civil Procedure Rule
5 55(a) that the Clerk enter default in this action against Defendant Benihibachi, on the
6 grounds that Benihibachi was duly served with the Summons and First Amended
7 Complaint in this action but has failed to appear or plead within the time prescribed
8 by Federal Rules of Civil Procedure 12 (Declaration of Norma V. Garcia, “Garcia
9 Decl.” ¶ 6-7). As of the filing of this request, Defendant Benihibachi has failed to
10 file any response.

11

12 DATED: July 11, 2022 **GARCIA RAINY BLANK & BOWERBANK LLP**

13

14

15

By

/s/ Norma V. Garcia

16

JEFFREY M. BLANK

17

NORMA V. GARCIA

18

Attorneys for Plaintiff

19

Noodle Time, Inc.

20

21

22

23

24

25

26

27

28

1 **PROOF OF SERVICE**
2

3 I, Gianni Eason, state:

4 I am employed in the County of Orange, State of California. My business address is 695
5 Town Center Drive, Suite 540, Costa Mesa, CA 92626. I am over the age of eighteen years and
6 not a party to this action.

7 On the date set forth below, I served true copies of the foregoing document(s) described as
8 **PLAINTIFF NOODLE TIME INC.'S REQUEST FOR ENTRY OF DEFAULT**
9 **BY THE CLERK AGAINST DEFENDANT BENIHIBACHI, A CALIFORNIA**
10 **CORPORATION** on the interested parties in this action as follows:

11 Benihibachi, a California Corporation
12 9901 Foothill Blvd,
13 Sylmar, CA 91342

14 X BY MAIL: I deposited such envelope in the mail at Costa Mesa, California. The envelope
15 was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's
16 practice of collection and processing correspondence for mailing. Under that practice it
17 would be deposited with the U.S. Postal Service on that same day with postage thereon fully
18 prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on
19 motion of the party served. Service is presumed invalid if postal cancellation date or postage
20 meter date is more than one (1) day after date of deposit for mailing in affidavit.

21 I declare under penalty of perjury under the laws of the United States and the State of
22 California that the foregoing is true and correct. Executed on July 11, 2022 at Costa Mesa, CA.

23 _____
24 Gianni Eason
25